State of Michigan
Department of Environmental Quality
Water Resources Division

PUBLIC NOTICE

PROPOSED MINOR PROJECT CATEGORIES FOR ACTIVITIES IN WETLANDS, INLAND LAKES, STREAMS AND THE GREAT LAKES

May 7, 2012

Pursuant to Part 301, Inland Lakes and Streams, Part 303, Wetlands Protection, and Part 325, Great Lakes Submerged Lands of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, the Department of Environmental Quality's Water Resources Division is proposing additions and changes to the existing Minor Project (MP) categories. These categories are for activities that are similar in nature, will cause only minimal adverse effects on the environment when performed separately, and will have only minimal cumulative adverse effects on the environment. The intent of these categories is to allow better coordination between applicable statutes and to provide clarity on the requirements that must be met for each category. Permit applications made for these types of activities may be processed in an accelerated manner without the issuance of an individual public notice or public hearing. MP categories are issued for a five-year period. The purpose of this public notice is to provide an opportunity for public review and comment to proposed additions and changes to the existing MP categories only. The proposed MP categories can be found at www.michigan.gov/wetlands.

Written comments on the new Proposed Minor Project Categories should be sent to:

Mr. Todd Losee
Department of Environmental Quality
Water Resources Division
P.O. Box 30458
Lansing, MI 48909-7958
loseet@michigan.gov

All comments must be received by Thursday, June 21, 2012.

This notice will be reviewed by federal agencies in accordance with an agreement with the United States Environmental Protection Agency, under provisions of Section 404 of the Federal Clean Water Act Amendments of 1977.

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

RICK SNYDER
GOVERNOR

DAN WYANT
DIRECTOR

MINOR PROJECT CATEGORIES IN THE STATE OF MICHIGAN

May 7, 2012 Draft

Deleted: October 31, 2011

Established Under Part 301, Inland Lakes and Streams; Part 303, Wetlands Protection; and Part 325, Great Lakes Submerged Lands, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended (NREPA)

BACKGROUND INFORMATION

PURPOSE

Part 301, Part 303, and Part 325 of the NREPA authorize the Department of Environmental Quality (DEQ), Water Resources Division (WRD), to define types of regulated activities that would be expected to have only minor impacts and that can, therefore, be reviewed through an expedited permit application process. This document defines those activities that the WRD has determined are Minor Project (MP) categories and also defines the legal authority and limitations for their use. These categories do not alter or replace current exemptions, but provide a mechanism for expedited processing of certain activities that are not exempt.

The purpose of the MP categories is to allow the WRD to evaluate applications for many minor activities without the delay of public noticing specific projects. The objective of the MP categories is to reduce the time and cost of the permit process for applicants proposing minor activities and to reduce the costs of administering the program while protecting aquatic resources.

Please note that the MP categories do not define projects that will be issued, but only those that may be considered for accelerated processing. Applications under an MP category may be issued, modified, or denied. Permits will be issued under an MP category only if it is determined that the proposed activity is in accordance with the criteria and requirements of the NREPA.

MINOR PROJECT PROCEDURES

A person seeking a permit under an MP category must submit a permit application on a form supplied by the WRD at www.michigan.gov/jointpermit. A preliminary determination of whether an application may be processed under an MP category is made by WRD staff when the application is received. Applications processed under MP procedures are typically reviewed without issuance of a public notice. However, before approving a specific project to proceed under an MP category, the WRD may provide public notice. A site inspection may also be conducted. The DEQ will provide written authorization for an approved project, or will otherwise notify the applicant in writing of the decision on the application.

If at any time in the review process, it is determined that an activity in a proposed project, although within an MP category, is likely to cause more than minimal adverse effects on the environment or aquatic resources, including high-value aquatic habitats, the WRD may require the application be processed as an individual permit application. The processing as an individual permit application may require the applicant to provide additional information and an additional application fee.

REGULATORY AUTHORITY

Part 301 (Section 30105), Part 303 (Section 30312), and Part 325 (Section 32512a) provide that the WRD, after notice and opportunity for a public hearing, may establish MP categories of activities and projects that are similar in nature, have minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effects on the environment. An MP category cannot be valid for more than 5 years.

GENERAL CRITERIA FOR REVIEW

Part 301, Part 303, and Part 325 specify the criteria that must be met before a permit may be issued. These general criteria, as well as the specific criteria detailed later in the MP categories, must be met before the WRD can issue a permit under an MP category. Adverse impacts must be avoided and minimized to the greatest extent possible, and mitigation may be required.

EXCLUSIONS

The types of activities described in this document can typically be processed under MP procedures. However, some activities will not qualify for this type of processing even if the listed criteria are met. Applications will not qualify for consideration under these categories if:

A) It is determined that the proposed project would constitute a "major discharge of dredged or fill materials" or meets other criteria subject to federal review as defined in the Memorandum of Agreement between the DEQ and the U.S. Environmental Protection Agency (U.S. EPA), unless alternative coordination is allowed within a specific category..

B) The activity is associated with sensitive natural resources including:

1. A federally designated wild and scenic river.
2. A state or federally designated wilderness or environmental area.
3. A federally designated marine sanctuary.
4. A state or federally listed or proposed threatened or endangered species (unless alternative procedures developed by the WRD are followed to coordinate with federal agencies, or the landowner has obtained a letter of no impact from the Department of Natural Resources [DNR]).
5. An identified historic or archeological area.
6. An identified recharge area for drinking water aquifers.
7. An identified rare or unique ecological type.

C) Sediment testing is required per WRD procedures and testing results have not been provided by the applicant OR Sediment testing results per WRD procedures show that the material contains toxic pollutants.

D) The WRD determines that a specific activity that would generally qualify under an MP category would, due to the proximity of other projects and the characteristics of the aquatic resources, cause more than minimal adverse environmental impacts;

E) The project also requires a permit under Part 31, Water Resources Protection; Part 301; Part 303; Part 315, Dam Safety; or Part 325 of the NREPA but does not meet one of the GP or minor project (MP) categories under those parts.

F) The project also requires a permit under Part 323, Shorelands Protection and Management; or Part 353, Sand Dunes Protection and Management, of the NREPA.

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NEED FOR OTHER PERMITS

A permit under an MP category does not remove the need for other applicable local, state, or federal permits.

EXPIRATION DATE

These MP categories modify and replace all existing MP categories under Part 301, Part 303, and Part 325 and shall expire on August 11, 2016, unless revoked or modified before that date.

Issued by: _____ Date: _____

William Creal, Chief
Water Resources Division
Department of Environmental Quality

INDEX OF MINOR PROJECT CATEGORIES

WILL BE UPDATED WITH NEW PAGE NUMBERS.

MINOR PROJECT CATEGORIES

The following activities are incorporated into this list of MP categories. The proposed activity must meet the specific criteria of a category in addition to the General Criteria, Exclusions, and General Conditions. Each category lists the statute(s) to which it applies.

1. Bioengineering Practices for Stabilization of Inland Lake Shorelines

NO CHANGES PROPOSED.

2. Bioengineering Practices for Streams

NO CHANGES PROPOSED.

3. Boat Hoist

Category applies to:
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

The construction of boat hoist for single-family residential, recreational watercraft use that meets all of the following:

- This MP is limited to one permanent boat hoist serving one single-family residential property.
- The structure shall allow for the flowage of littoral materials and water.
- The structure will not unreasonably interfere with the navigability or boatability of the water involved or interfere with the riparian rights or use of the waters by others.
- The structure shall not have permanent covers, sides, or roofs. Temporary covers made of canvas or fabric can be included.
- The structure shall be placed in the center of the property or at least 1.5 times the boat hoist length from any property lines, unless it is not feasible based on site conditions.
- For Great Lakes and Section 10 waters under the federal Rivers and Harbors Act, the length from the shoreline or size of the proposed structure is not greater than the length or size of similar structures in the vicinity and on the waterbody.
- For inland lakes and streams, the boat hoist shall be placed in boatable water or at a length from the shoreline that is not greater than the length of similar structures in the vicinity and on the waterbody, whichever is the minimum necessary. Inland lake and stream boat hoists shall not occupy more than 400 square feet for the entire structure including a walkway with a width of 2 feet or less around the structure.

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4. Boat Ramp

Category applies to:
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Boat ramp activities that are either:

1. Construction of a noncommercial boat ramp that meets all of the following:

- This MP is limited to one boat ramp serving one single family residential property.
- The placement of fill material does not exceed 25 cubic yards of rock, crushed stone, or gravel placed into forms, or precast concrete planks or slabs.
- The boat ramp does not exceed 12 feet in width.

- Dredging for construction of the boat ramp is limited to 25 cubic yards. Dredging for access channels is not included in this category.
- The ramp shall be placed in the center of the property or at least 20 feet from any property lines, unless it is not feasible based on site conditions.
- This category is not allowed within a wetland.
- Public boat launches should be utilized as an alternative when available.

2. Improvement of an existing public boat ramp that meets all of the following:

- The property is owned by a local, state, or federal agency.
- All construction is limited to the existing footprint.
- The placement of fill material does not exceed 25 cubic yards of rock, crushed stone, or gravel placed into forms, or precast concrete planks or slabs.
- Dredging for construction of the boat ramp is limited to 25 cubic yards. Dredging for access channels is not included in this category.
- This category is not allowed within wetland.

3. Maintenance of a boat ramp that meets all of the following:

- The maintenance is in-place and in-kind with no design or materials modification.
- The placement of fill material does not exceed 25 cubic yards of rock, crushed stone, or gravel placed into forms, or precast concrete planks or slabs.
- Dredging for construction of the boat ramp is limited to 25 cubic yards. Dredging for access channels is not included in this category.
- This category is not allowed within a wetland.

4. A single seasonal public dock at a public road end to facilitate launching and loading of boats, that meets the following:

- The structure cannot be used for mooring or docking of a vessel between 12 midnight and sunrise.
- The dock is authorized by the local unit of government.
- The structure will not unreasonably interfere with the navigability or boatability of the water involved or interfere with the riparian rights or use of the waters by others.
- The structure shall be a linear single pier with no perpendicular extensions.
- The structure shall not have roofs, elevated sides, platforms, or decks.
- The structure shall allow for the flowage of littoral materials and water.
- The structure shall be placed in the center of the property or at least 1.5 times the dock length from any property lines, unless it is not feasible based on site conditions.
- For Great Lakes and Section 10 waters under the federal Rivers and Harbors Act, the length or size of the proposed structure is not greater than the length or size of similar structures in the vicinity and on the waterbody.
- For inland lakes and streams, the structure shall be of reasonable length to boatable water or at a length from the shoreline that is not greater than the length of similar structures in the vicinity and on the waterbody, whichever is the minimum necessary. The structure shall not exceed a width of 4 feet unless the applicant demonstrates their need for construction of a wider dock.

5. Cleanup of Hazardous and Toxic Waste

NO CHANGES PROPOSED.

6. Completed Enforcement Actions

NO CHANGES PROPOSED.

7. Cranberry Production - Expansion of Existing Operations

NO CHANGES PROPOSED.

8. Culverts - Large

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

New or replacement culverts 100 feet or less in length that meet all of the following:

- The culvert must be bottomless (3-sided or a bridge), or if the structure has a bottom then the invert elevation must be buried below the stream bottom 1/6 of the bankfull width up to a maximum buried depth of 2 feet.
- Structures shall be set on the same slope as the deepest part of the riffle channel measured from the upstream riffle to a downstream riffle outside of the effects of any existing culvert, or for legally established drains, at an approved design slope. For stream crossings with a slope of 3% or greater and more than 3 feet in span, a bottomless (3-sided) structure or bridge is required to meet this category.
- The structure must span a minimum of the bankfull width of the stream.
- For the replacement of perched culvert (i.e., a culvert with an outlet invert elevated above the downstream water surface, allowing a freefall condition), grade control structures may be required.
- The structure shall be installed to align with the centerline of the stream at both the inlet and outlet ends. If needed, up to 25 feet of the channel at either end can be reshaped to allow for a smooth transition. The bankfull width must be maintained for any reshaped areas. Meanders upstream or downstream of the culvert shall not be eliminated when creating a smooth transition.
- The structure will allow passage of watercraft that could be expected to navigate the water involved.
- The placement of riprap shall be limited to the minimum necessary to ensure proper stabilization of the side slopes and fill in the immediate vicinity of the culvert. Riprap shall not extend upstream or downstream of the culvert more than 25 feet on each end. Riprap shall be properly sized based on velocity and consist of natural field stone or rock (broken concrete is not allowed). Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains except those constituting mainstream portions of certain natural watercourses identified in rule.

Bankfull is the width of the stream that corresponds to the depth where water fills a main channel to the point of overflowing. In instances where the applicant is unsure of the bankfull width, it is recommended that the applicant contact DEQ staff and request a preapplication site review. In legally established drains (except those constituting mainstream portions of certain natural watercourses identified in rule), if bankfull indicators are not present, the structure span may be determined by calculating the 1.5-year stream width at the 1.5-year flow that is based on a stable stream width and depth.

For stream crossing locations where the drainage area is 2 square miles or greater, the crossing must meet one of the following:

1. The applicant must submit, and receive DEQ approval of, a certification by a licensed engineer with supporting hydraulic computations stating that either the replacement structure, including any weir flow, is designed with equal or greater hydraulic capacity that does not cause a harmful interference OR a new structure, including weir flow, is designed to pass the 100-year flood without causing a harmful interference.
2. For replacement culverts:
   - The proposed structure must have an equal or greater hydraulic capacity when compared to the existing culvert.
   - The proposed road grade shall not exceed that of the existing road grade by more than 4 inches, unless the road grade has been shown to be above the 100-year floodplain elevation.
3. For new culverts:
   - The fill over the culvert is not more than 1.5 feet.
   - The approach fill slopes to natural ground elevations within 10 feet of either side of the structure, unless the fill has been shown to be above the 100-year floodplain elevation.

9. Culverts - Wetland Equalizer

NO CHANGES PROPOSED.

10. Dock

NO CHANGES PROPOSED.

11. Drawdown

Category applies to:
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Drawdown of inland lakes and impoundments for court orders, inspections, repairs, or emergencies that are one of the following:

1. A temporary drawdown for the purpose of inspecting the integrity of the impounding structure. Drawdown time shall be no longer than necessary to complete the activity with a maximum of 45 days.

2. An emergency drawdown required by the DEQ under Part 315 or the Federal Energy Regulatory Commission.

3. A temporary drawdown for minor repairs of an impounding structure. Drawdown time shall be no longer than necessary to complete the activity with a maximum of 90 days, including any inspection time.

4. A drawdown authorized by court order under the provisions of Part 307, Inland Lake Levels, of the act if the court has incorporated the DEQ requirements into the court order or concurred in department recommendations to address environmental concerns under Part 301 and Part 303.

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The drawdown must meet all of the following:

- The drawdown and refill rate shall not exceed 6 inches per day. Refill must begin when inspection or repair is complete.
- The drawdown and refill shall not negatively impact the downstream receiving waters, habitat, or structures.
- The applicant shall notify affected property owners prior to drawdown.
- The applicant will monitor the drawdown and rescue stranded fish and mussels.

12. Dredging - New

Category applies to:
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

New dredging that meets all of the following:

- Dredging shall be a maximum of 25 cubic yards and 1000 square feet.
- If sediment testing is required, testing in accordance with WRD procedures showing that the material does not contain toxic pollutants has been provided by the applicant.
- All dredged or excavated materials shall be disposed of in an identified upland (nonfloodplain, nonwetland) site.
- The applicant has defined the purpose of the project and demonstrated that impacts have been avoided and minimized.
- This MP category does not include dredging in wetlands.

Deleted: <#>The activity will not disturb sediments in an area known or suspected to contain toxic pollutants (unless testing accordance with WRD procedures provided by the applicant shows that the material does not contain toxic pollutants).¶

13. Driveway

NO CHANGES PROPOSED.

14. Fences

NO CHANGES PROPOSED.

15. Fills Associated with Residential Developments

NO CHANGES PROPOSED.

16. Fills for Swim Areas

Category applies to:
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Minor fills for the creation, maintenance, or improvement of swimming areas in lakes and impoundments that meet all of the following:

- Swim areas shall not exceed 800 square feet with a maximum fill depth of 6 inches and a water depth of 4 feet.
- The fill shall consist of at least 50% peastone with the balance being sand. The fill may be placed over biodegradable mat, if approved by the DEQ based on site conditions. Placement of other structures or material is not included in this category.
- The width of the swim area is limited to half the lot width or 40 feet wide, whichever is smaller.
- Only 1 permit under this MP category may be authorized on the same parcel of property within any 5-year period. Subsequent fill requests for swim areas on the same parcel shall be limited to the previously permitted swim area.
- This MP category does not include filling in wetlands.

17. Fills - Minor

NO CHANGES PROPOSED.

18. Fish and Wildlife Habitat Structures

Category applies to:
☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Fish and wildlife habitat structures that meet all of the following:

- The property is owned and managed by a state or federal resource agency or by a private landowner who has received written support from the appropriate DNR, Fisheries Division and/or Wildlife Division biologist.
- The amount of excavation or fill shall be limited to minimum volumes necessary.
- The structure shall be anchored.
- The structure shall not interfere with navigation or adversely impact the natural flow of the stream.

This MP category does not include:

- Weirs or other structures that impede the flow of water or alter the water elevation on a site.
- Construction (i.e., excavation/dredging) of ponds or placement of berms or other structures that require placement of a significant volume of fill. In-stream structures with the potential to act as grade control or otherwise impact stream stability are not included.
- The construction of haul roads or temporary access roads.

19. Livestock Crossings

NO CHANGES PROPOSED.

20. Maintenance of Drains

NO CHANGES PROPOSED.

21. Maintenance Dredging on Inland Lakes and Streams

Category applies to:
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Excavation and removal of accumulated sediment for maintenance of previously dredged areas that meet all of the following:

- Dredging shall be a maximum of 1,000 cubic yards per 5-year period.
- Dredging shall be limited to previously authorized depths or controlling depths for ingress/egress, whichever is less.
- Only 1 permit under this MP category may be authorized on the same parcel of property within any 5-year period.
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- If sediment testing is required, testing in accordance with WRD procedures showing that the material does not contain toxic pollutants has been provided by the applicant.
- All dredged or excavated materials shall be disposed of in an identified upland (nonfloodplain, nonwetland) site.
- This MP category does not include dredging in wetlands.

Deleted: The activity will not disturb sediments in an area known or suspected to contain toxic pollutants (unless testing in accordance with WRD procedures provided by the applicant shows that the material does not contain toxic pollutants).

22. Maintenance Dredging on the Great Lakes and Section 10 Waters

Category applies to:
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

Excavation and removal of accumulated sediment for maintenance of previously dredged areas that meet all of the following:

- For Part 301, this MP includes only Section 10 waters under the federal Rivers and Harbors Act of 1899.
- Dredging shall be a maximum of 5,000 cubic yards per 5-year period. If the project is entirely within an existing USACE navigation channel, the dredging shall be less than 10,000 cubic yards per 5-year period and the disposal area location and conditions shall be the same as previously approved for the USACE.
- Dredging shall be limited to previously authorized depths or controlling depths for ingress/egress, whichever is less.
- Only 1 permit under this MP category may be authorized on the same parcel of property within any 5-year period.
- If sediment testing is required, testing in accordance with WRD procedures showing that the material does not contain toxic pollutants has been provided by the applicant.
- All dredged or excavated materials shall be disposed of in an identified upland (nonfloodplain, nonwetland) site unless specifically allowed above.
- This MP category does not include dredging in wetlands.

Deleted: <#>The activity will not disturb sediments in an area known or suspected to contain toxic pollutants (unless testing in accordance with WRD procedures provided by the applicant shows that the material does not contain toxic pollutants).¶

23. Maintenance and Repair of Serviceable Structures

NO CHANGES PROPOSED.

24. Mooring Buoy

NO CHANGES PROPOSED.

25. Oil Spill Cleanup

NO CHANGES PROPOSED.

26. Oil, Gas, and Mineral Well Access Roads

NO CHANGES PROPOSED.

27. Outfall Structures and Associated Intake Structures

NO CHANGES PROPOSED.

28. Pads for Farm Buildings

NO CHANGES PROPOSED.

29. Pond: Inland Lakes and Streams

NO CHANGES PROPOSED.

30. Pond: Wetlands

NO CHANGES PROPOSED.

31. Public Transportation Projects

1. Linear Transportation Projects

Category applies to:
☐ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Public road projects contained within the existing right-of-way where all practical means have been used to minimize the wetland impact, and all components of the project will impact no more than 1 acre of wetland. This category shall be further restricted to the following safety improvements, after a finding of necessity by the public transportation agency is determined to be required for safety reasons and for which the wetland fill will not exceed 1/3 acre per wetland:

a) Flattening of road slopes to meet the minimum safety standard.
b) Construction of standard shoulder widths.
c) Installation of guardrail flares.
d) Intersection improvements.
e) Elimination of roadside obstacles, such as sign platforms and utility poles.
f) Addition of a lane for safety reasons.
g) Open construction highway fencing elevated above the wetland on poles limited to 5 feet in height.
h) Wetland equalizer culvert extensions.

Mitigation for impacts that exceed 0.1 acre will be required unless the Transportation Review Unit supervisor determines in writing that some other form of mitigation would be more environmentally appropriate. This mitigation must be at a minimum of a 1-to-1 ratio but may be of any wetland type and done on a statewide basis.

2. Culverts - Large

Category applies to:
☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Culverts: New or replacement culverts 100 feet or less in length that meet all of the following:

- The culvert must be bottomless (3-sided), or if the structure has a bottom, then the invert elevation must be buried below the stream bottom 1/6 of the bankfull width up to a maximum buried depth of 2 feet.
- Structures shall be set on the same slope as the stream. For stream crossings with a slope of 3% or greater, a bottomless (3-sided) structure or bridge is required to meet this category.
- The structure must span a minimum of the bankfull width of the stream.
- For the replacement of perched culvert (i.e., a culvert with an outlet invert elevated above the downstream water surface, allowing a freefall condition), grade control structures may be required.
- The structure shall be installed to align with the centerline of the stream at both the inlet and outlet ends. If needed, up to 25 feet of the channel at either end can be reshaped to allow for a smooth transition. The bankfull width must be maintained for any reshaped areas. Meanders upstream or downstream of the culvert shall not be eliminated when creating a smooth transition.
- The structure will allow passage of watercraft that could be expected to navigate the water involved.
- The placement of riprap shall be limited to the minimum necessary to ensure proper stabilization of the side slopes and fill in the immediate vicinity of the culvert. Riprap shall not extend upstream or downstream of the culvert more than 25 feet on each end. Riprap shall be properly sized based on velocity and consist of natural field stone or rock unless it is determined by the DEQ that broken concrete can be allowed based on site conditions. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains except those constituting mainstream portions of certain natural watercourses identified in rule.

Bankfull is the width of the stream that corresponds to the depth where water fills a main channel to the point of overflowing. In instances were the applicant is unsure of the bankfull width, it is recommended that the applicant contact DEQ staff and request a preapplication site review. In legally established drains (except those constituting mainstream portions of certain natural watercourses identified in rule), if bankfull indicators are not present, the structure span may be determined by calculating the 1.5-year stream width at the 1.5-year flow that is based on a stable stream width and depth.

For stream crossing locations where the drainage area is 2 square miles or greater, the crossing must meet one of the following:

1. The applicant must submit, and receive DEQ approval of, a certification by a licensed engineer with supporting hydraulic computations stating that either the replacement structure, including any weir flow, is designed with equal or greater hydraulic capacity that does not cause a harmful interference OR a new structure, including weir flow, is designed to pass the 100-year flood without causing a harmful interference.
2. For replacement culverts:
   - The proposed structure must have an equal or greater hydraulic capacity when compared to the existing culvert.
   - The proposed road grade shall not exceed that of the existing road grade by more than 4 inches, unless the road grade has been shown to be above the 100-year floodplain elevation.
3. For new culverts:
   - The fill over the culvert is not more than 1.5 feet.
   - The approach fill slopes to natural ground elevations within 10 feet of either side of the structure, unless the fill has been shown to be above the 100-year floodplain elevation.

3. Riprap Scour Protection

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

The placement of riprap for scour protection by public transportation agencies around structures to meet federal highway critical scour protection requirements that meets all of the following:

- Riprap shall be properly sized based on velocity and consist of natural field stone or rock unless it is determined by the DEQ that broken concrete can be allowed based on site conditions. Broken concrete, free of protruding metal, contaminants, and other foreign material, may be allowed in legally established drains, except those constituting mainstream portions of certain natural watercourses identified in rule.
- The riprap may not extend above the normal (nonscoured) channel invert.
- Excavation shall be limited to the amount necessary for scour protection.

4. Replacement of Bridge Superstructure

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

The replacement of a bridge superstructure including deck and beams while leaving the existing abutments and piers in place, that meets all of the following:

- All work and construction equipment shall be located outside of the stream.
- Demolition materials shall not drop in the water or be placed in wetlands or floodplains.
- Concrete slurry water, concrete dust, and other waste material shall not enter the stream.
- The low beam elevation may not be lowered and there shall be no reduction in the bridge opening. .
- For stream crossing locations where the drainage area is 2 square miles or greater, the proposed road grade shall not exceed that of the existing road grade by more than 4 inches, unless the road grade has been shown to be above the 100-year floodplain elevation.

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32. Removal of Structures

NO CHANGES PROPOSED.

33. Replacement of Existing Seawalls

NO CHANGES PROPOSED.

34. Reshaping Existing Drainage Ditches

NO CHANGES PROPOSED.

35. Residential Construction for Properties Owned Prior to 1980

NO CHANGES PROPOSED.

36. Reversion of Temporary Wetland Enhancement, Restoration, and Establishment

NO CHANGES PROPOSED.

37. Riprap Shoreline Protection

NO CHANGES PROPOSED.

38. Septic System Replacement

NO CHANGES PROPOSED.

39. Small Dam Removal

NO CHANGES PROPOSED.

40. Spring Piles and Piling Clusters

NO CHANGES PROPOSED.

41. Storm Water Management Facilities: Inland Lakes and Streams

NO CHANGES PROPOSED.

42. Storm Water Outfall Structures

NO CHANGES PROPOSED.

43. Temporary Construction, Access, and Dewatering

NO CHANGES PROPOSED.

44. Temporary Recreational Structures

NO CHANGES PROPOSED.

45. Utility Line Activities

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in wetlands, inland lakes, and streams.

A "utility line" is any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term "utility line" does not include activities that drain a water of the State, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

This category includes:

1. Installation, maintenance, repair, and removal of utility lines provided there is no change in the preconstruction grade, that meet all the following:

   - Crossing locations shall be selected to minimize the impact to the wetlands, inland lakes and streams.
   - The outside diameter of the pipe, cable, encasement, etc. shall not exceed 20 inches.
   - A minimum of 36 inches of cover will be maintained between the top of the cable or pipe and the soil surface. Access areas (e.g., sealed manholes) may be allowed in wetlands if impacts are avoided and minimized. The installation shall use the best available construction technologies that are necessary to avoid and minimize impact when considering the wetlands and waters involved. Additional precautions and construction techniques may be necessary in areas of high quality resources. Use of directional drilling/jack and bore should be given particular emphasis in any area that is prone to erosion, on slopes upgradient from coldwater streams, in forested wetland habitat, in high quality wetlands or wetland types that are locally or regionally uncommon. Stream crossing shall use dry ditch open trenching, and shall be limited to 50 feet per crossing (bank to bank) and a cumulative total of 200 feet per application.
   - Wetland crossings using open trenching shall be limited to total cumulative crossing length of 500 feet per application.
   - All re-vegetation of wetland sites must be with plant species that are native to Michigan according to the Floristic Quality Assessment for the State of Michigan.
   - The construction of new permanent access roads is not included under this MP category.

When these methods are used, the following additional criteria apply:

Plowing-in/Knifing-in for Wetlands Only

- This method is not allowed for crossing wetlands with open water, streams, or lakes.
- There is no limit on the distance of crossing wetland areas using Plowing- in/Knifing-in methods.
- This category can not be used in forested wetlands where trees need to be removed to conduct the activity.
- All impacted areas shall be immediately restored to grade.
- No additional fill materials (other than the utility itself) shall be placed in the wetland.
- Rutting or other soil disturbance shall be restored and stabilized.

Open Trenching

- Project design and construction features shall assure that backfill used in the excavated trench will not result in the drainage of wetlands. Clay plugs shall be shown in the construction plans and shall be placed at the wetland/upland boundary in all instances and as needed throughout the trench system.
- Construction mats shall be utilized to the greatest extent possible to minimize ground compaction and disturbance to waters of the state.
- For wetlands, excavated materials shall be stockpiled and used to backfill the trench area with the top 12 inches of topsoil being stockpiled separately to backfill the top portion of the trench.
- Any excavated materials that are sidecast or stockpiled in the wetlands shall be contained to the minimal amount of area feasible and shall not remain in the wetland for more than 30 days. Excess excavated materials shall be disposed of in an identified upland (non-floodplain, non-wetland) site.
- Stockpiling or sidecasting is not allowed in any inland lakes and streams.
- All disturbed areas shall be restored no later than 30 days after completion. Restoration shall include restoring the area to original grade, decompacting the soils, and seeding and plantings native to Michigan to re-establish the preconstruction wetland type.

2. The construction and maintenance of utility line associated facilities in wetlands that are not contiguous to the Great Lakes or connecting waters, that are either:

   a) Substations: The construction, maintenance, or expansion of utility line substation facilities associated with a power line or utility line in wetlands, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 0.10 acre of wetlands.

   b) Foundations: Construction or maintenance of foundations for overhead utility line towers, poles, and anchors in wetlands, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible and the single and complete project does not result in the loss of greater than 0.10 acre of wetlands.

46. Wetland Habitat Restoration and Enhancement

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☒ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

For the purposes of this category:

Restoration is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or altered wetland. Restoration is either one of the following:

a. Reestablishment is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to former wetland. Reestablishment results in rebuilding a former wetland and results in a gain in wetland acres.

b. Rehabilitation is the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions of altered wetlands.

Enhancement is the manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for a purpose such as a water quality improvement, flood water retention, or wildlife habitat improvement. Enhancement results in a change in wetland function(s), but does not result in a gain in wetland acres.

Altered wetlands include areas that have been partially or fully drained by ditching, tiling, and/or pumping; or partially or fully filled by direct placement of material or significant sedimentation; or where other land use conversions have resulted in significant alteration of the original character of the site.

Former wetland is an area that once was a wetland but it has been modified to the point it no longer has the hydrologic characteristics of a wetland. Former wetlands are not regulated under Part 303.

Dredged or excavated spoils or fill material shall not be located in a floodway or harmfully interfere with flood flows in any streams regulated under Part 31. Spoils must be removed from and fill shall not be placed in any floodplain regulated under Part 31 unless it meets the criteria for an MP under that part to be included in this category. Construction of a dike, berm, or embankment that is 6 feet or more in height and that impounds an area of 5 acres or more during a design flood; such activity requires authorization under Part 315 and may not be authorized under this category.

This category includes projects that restore or enhance wetland functions, provided that a project results in net increase of wetland acreage or functions and services and is conducted by or in cooperation with local, state or federal conservation agencies or nonprofit conservation organizations, and are any of the following:

1. Excavation of shallow water areas for wildlife in altered wetlands that meets all of the following:

    - At least 50% of the surface area of the excavated area shall have a water depth of no more than 18 inches and no more than 15% can be deeper than 48 inches.
    - The excavated area shall not be constructed within or physically touching an inland lake or stream.
    - The excavated area in wetlands shall not exceed 0.5 acres.
    - All excavated spoils including organic and inorganic soils, vegetation, and debris shall be placed at an upland site in such a manner as not to erode into any waterbody or wetland, unless this material is used to reestablish microtopography. The establishment of microtopography is allowed within the excavated areas, but any microtopography areas shall be a maximum of 12 inches above the normal design water elevation and continue to meet the definition of a wetland under Part 303. Excavated topsoil may be placed back into the excavated area to aid in plant establishment.
    - For excavated areas within 500 feet of a cold or cold-transitional stream, the applicant must provide written documentation of concurrence on the project from the DNR, Fisheries Division

2. Rehabilitation and Enhancement of Altered Wetlands. Projects that serve to negate or minimize the negative impacts of historic efforts to drain, fill, or destroy wetlands. Projects authorized under this subcategory include:

    - Rehabilitation (to the extent possible) of the original or natural wetland hydrology, vegetation, and/or functions of altered wetlands.
    - Enhancement of certain characteristics of a wetland in a manner not consistent with original conditions (e.g., increased hydrology, alteration of vegetation or wetland functions) only in wetlands that are dominated by invasive species (e.g., reed canary grass or Phragmites).

    This subcategory does not include conversion of unaltered wetlands to another aquatic use, such as the creation of a pond or impoundment, the alteration of a wetland identified as a rare or unique ecological type, or the conversion of unaltered forested wetlands to another habitat type.

    Specific wetland restoration and enhancement activities that may be authorized under this subcategory include:

- Installation and construction of water control structures, dikes, berms, and embankments. Wetland fill for dikes, berms, embankments, and other structures shall not exceed 2 acres. The purpose of such fill shall be to restore the hydrological function of the altered wetland. The 2-acre size limit refers only to the wetland area on which fill is placed and not to the broader disturbance area or restored basin size.
- Existing drainage structures may be removed or altered (e.g., tile breaks, pump removal, etc.) to restore (to the extent possible) the original or natural wetland hydrology, vegetation, and/or functions of the wetland.
- Excavation of accumulated sediment or fill to the original hydric soil surface.
- Use of soil cultivation equipment (e.g., harrows, discs, and plows) or other earth moving equipment, to reestablish microtopography in wetlands that are dominated by invasive species. Microtopography establishment shall be a maximum of 12 inches above the normal design water elevation. The entire microptopography area shall not exceed 5 acres in size and must continue to meet the definition of a wetland under Part 303.
- Ditch plugs with or without water flow controls if the purpose is to reestablish the hydrology to previously drained areas and if all impacted parties acknowledge and provide their written authorizations. The applicant must provide written documentation of concurrence on the project from the DNR, Fisheries Division.

3. Maintenance and improvement of existing, functional dikes and berms within areas managed for wildlife that meets all of the following:

- Wetland fill for dikes, berms, or embankments for maintenance and improvement shall not exceed 2 acres. The purpose of such fill shall be to restore or maintain the hydrological function of the wetland.
- Side slopes on dikes or berms shall be 1-on-4 slope (e.g., 1-foot vertical to 4 feet horizontal) or steeper.
- The base width of the dike or berm shall not be increased by more than 50%.
- The top width of the dike or berm shall not exceed 12 feet.
- Dredging shall be limited to other MP and GP subcategories for shallow water areas for wildlife.
- Water control structures may be replaced or maintained to original design. No other dredging or filling activities below the ordinary high water mark of lakes or streams are included under this subcategory.

4. Dredging for creation of berms or water controls impacting a total of not more than 1/3 acre of wetland that meet all of the following:

- The dredging is not within (i.e., inline) or directly connected to an inland lake or stream.
- All dredged or excavated materials shall be disposed of in an identified upland (nonfloodplain, nonwetland) site or for berm construction under this category.
- This MP category does not allow impacts to forested wetlands, locally uncommon wetlands types, or wetlands that are of a rare or unique ecological type on a statewide basis.
- Only 1 permit under this MP subcategory may be authorized on the same parcel of property within any 5-year period.
- The dredged areas shall be located to minimize impacts to wildlife movement (e.g., breaks in the dredged areas that allow unimpeded wildlife movement).

5. Exclusion fencing to protect restored wetland areas that meet the following:

- The fencing excludes a maximum of 5 acres for the purpose of excluding deer or other herbivores to allow establishment of wetland vegetation.
- The fence must be removed after vegetation re-establishment. A plan must be submitted by the applicant detailing when the fence will be removed.
- Fences shall not impact any inland lake or stream or be located in the floodway of a stream.
- This sub-category does not include the placement of fill for access roads, berms, or any similar purpose, nor does it authorize excavation for drainage ditches.

For all activities within this MP category, stumps, trunks, and limbs may be placed in wetlands for establishing wildlife habitat structure. This category does not include the conversion of a stream or wetland to another aquatic habitat type (e.g., stream to wetland or vice versa) or uplands.

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47. Diver-assisted Hand Removal of Invasive Species

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☐ *Part 325, Great Lakes Submerged Lands*

Diver-assisted hand removal of non-native invasive species in inland lakes and impoundments in a total area not to exceed 2 acres per lake per year, that meets the following:

- Non-native invasive submergent plants shall be pulled by hand. Removal of emergent or native vegetation is not included in this category. Invasive plant species are species that have aggressive growth characteristics and threaten native ecosystems by dominating the normal vegetation of an area (e.g., Eurasian Watermilfoil). Photographs showing the plant(s) to be controlled must be submitted by the applicant. Removal must occur during the growing season when the non-native invasive species can be properly identified.
- A small hand tool may be used to assist in pulling out the plant and roots.
- Once the plants have been removed by hand, a hose attached to a suction dredge may be used to transport the plants to the water surface for immediate collection. The suction hose shall not be used to remove plants or roots from the bottom sediments or to suction bottom sediments. Dragging of the suction hose on the bottom shall be minimized.
- All plant fragments must be contained and collected. Plants must be disposed of at an upland location.
- A turbidity curtain may be required by the DEQ.

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48. Boat Wells

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

1. A new boat well constructed in upland for single-family residential, recreational watercraft use that meets all of the following:

- For Part 301, this MP includes only Section 10 waters under the federal Rivers and Harbors Act of 1899.
- This MP is limited to 1 boat well serving 1 single family residential property.
- The boat well escavation shall be a maximum of 20 feet (along the shoreline) by 40 feet. A new seawall along the interior of the boat well may be approved by the DEQ based on site conditions. New seawall along existing shoreline or any other structures are not included in this category.
- All dredged or excavated materials shall be disposed of in an identified upland (nonfloodplain, nonwetland) site.
- This MP category does not include dredging in wetlands.

2 Fill of boat wells previously constructed in upland, that meets all of the following:

- For Part 301, this MP includes only Section 10 waters under the federal Rivers and Harbors Act of 1899.
- The fill will not impact more than 800 square feet.
- The previously existing shoreline shall be restored. Stabilization of the restored shoreline shall be shall be limited to other MP and GP categories for those activities. The DEQ may approve up to 20 linear feet of seawall if there is an existing seawall adjacent to both sides of the boat well if necessary based on site condtions. Any seawall shall have toe stone (i.e., riprap) placed waterward along 100% of the length to prevent undercutting by wave action, to mitigate for the loss of habitat, and to provide a use for fish and other aquatic life. The toe stone shall be placed at a 1-on-2 slope (e.g., 1-foot vertical to 2 feet horizontal) or gentler. Toe stone shall be properly sized and consist of natural field stone or rock (broken concrete is not allowed). The toe stone

shall extend from the lake/stream bottom to at least 6 inches above the ordinary high water mark but cannot extend more than 6 feet into the water. This toe stone shall be placed unless it is determined by the DEQ that less toe stone is required based on site conditions, navigation, or mooring.

- This MP category does not include fill in wetlands.

49. Docks on Public Land

Category applies to: ☒ *Part 301, Inland Lakes and Streams*
☐ *Part 303, Wetlands Protection*
☒ *Part 325, Great Lakes Submerged Lands*

The construction of a non-commercial dock on public land to facilitate launching and loading of recreational boats, that meets all of the following:

- This MP is limited to 1 permanent or seasonal dock per property.that is not used for overnight mooring or docking.
- The structure will not unreasonably interfere with the navigability or boatability of the water involved or interfere with the riparian rights or use of the waters by others.
- The structure shall be a linear single pier with up to one perpendicular extension for fishing access. The extension shall be at least 20 feet from any property lines.
- The structure shall not have roofs, sides, platforms, or decks.
- The structure shall allow for the flowage of littoral materials and water.
- The structure shall be placed in the center of the property or at least 1.5 times the dock length from any property lines, unless it is not feasible based on site conditions.
- For Great Lakes and Section 10 waters under the federal Rivers and Harbors Act, the length or size of the proposed structure is not greater than the length or size of similar structures in the vicinity and on the waterbody.
- For inland lakes and streams, the structure shall be of reasonable length to boatable water or at a length from the shoreline that is not greater than the length of similar structures in the vicinity and on the waterbody, whichever is the minimum necessary. The structure shall not exceed a width of 4 feet unless the applicant demonstrates their need for construction of a wider dock.

GENERAL CONDITIONS

NO CHANGES PROPOSED.

AUTHORIZATION CONDITIONS

NO CHANGES PROPOSED.